IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17981 of 2004

Between:

The Sirpur Paper Mills Ltd., Sirpurkagaznagar, Adilabad, Rep by its

Executive Director Sri S.K. Khare

..... PETITIONER

AND

1 The Commissioner of Labour, Govt. of Andhra Pradesh, Tanguturi

Anjaiah Bhavan, Chikkadpally, Hyderabad.
2 The Asst. Provident Fund Commissioner, Sub-Regional Office,

APSFC Buildings,
Balasamudram, Hanamkonda, Warangal - 506 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly a writ in the nature of Mandamus declaring the action of the respondent No. 2 in demanding provident fund contributions in respect of the recoverable advance paid to the contract Labour deducting Rs. 3.50 Ps towards contingent liability through its letter No. AP/SRO/WL/ENF/ADB/148/2004/4500 Dated 28-1-2004 and thereafter directing the petitioner-Company to attend the enquiry through letter No. AP/WGL/Circle:8/AP/148/1274 dated 11-8-2004 and notice dated 17-8-2004 as pre-determined, arbitrary, illegal and violates the principles of natural justice & Section 7-A(b) of EPF&MP Act, 1952 and set aside the same, by directing

the Respondent No. 2 to conduct an enquiry by giving an opportunity to the petitioner-Company under Section 7-A(b) of the EPF&MP Act, 1952, after the disposal of the WP Nos.16580 of 2003 & WP No. 17290 of 2003.

Counsel for the Petitioner: MR.S.ASHOK ANAND KUMAR

Counsel for the Respondent No.1 : GP FOR LABOUR

Counsel for the Respondent No.2: Mr. R.N. Reddy

The Court at the admission stage made the following ORDER:

Petitioner, M/s The Sirpur Paper Mills Ltd., Sirpur Kaghaznagar, received a letter dated 28.01.2004 informing that amount of advance paid at Rs.21.50 Ps. against the wages, by deducting Rs.3.50 per day from each member, forms part of wages and it is supposed to remit the provident fund on the said amount, and the delay in remittance of the same will attract the penal damages under Section 14 B and interest under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act'). Though the petitioner submitted that the order dated 13.6.2000 issued by the first respondent was suspended by this Court, the second respondent issued summons dated 11.08.2004 under Section 7A of the Act to the petitioner to appear in person to determine the amounts due towards the provident fund. Questioning the same, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Labour and learned counsel for the second respondent.

Having heard the learned counsel on either side and having perused the material available on record, it is seen that summons dated 11.08.2004 was issued calling upon the petitioner to appear in person to determine the amount due under Section 7A of the Act. In view of the same, the petitioner is at liberty to approach the authorities concerned and can raise all grounds and explain that the amount paid at Rs.21.50 Ps. as advance against the wages by deducting Rs.3.50 per day from each member will not form part of the wages.

On that, the authorities concerned shall consider the same and pass appropriate orders.

The writ petition is accordingly disposed of.

05.10.2004

ksld

To

1 The Commissioner of Labour, Govt. of Andhra Pradesh, Tanguturi

Anjaiah Bhavan,
Chikkadpally, Hyderabad.

2 The Asst. Provident Fund Commissioner, Sub-Regional Office,

APSFC Buildings,
Balasamudram, Hanamkonda, Warangal - 506 001.

3 Two CCs to the Govt. Pleader for Labour, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.